

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION**

PAUL DORR, AND ALEXANDER DORR,  
INDIVIDUALLY AND ON BEHALF OF ALL  
OTHER PERSONS SIMILARLY SITUATED,

Plaintiffs,

vs.

DOUGLAS L. WEBER, INDIVIDUALLY  
AND IN HIS CAPACITY AS SHERIFF, AND  
HIS SUCCESSORS, THE OSCEOLA  
COUNTY SHERIFFS DEPARTMENT, IOWA  
AND OSCEOLA COUNTY, IOWA,

Defendants.

CASE NO. 5:08-cv-04093-MWB

**OSCEOLA COUNTY SHERIFF'S  
DEPARTMENT AND  
"SUCCESSORS" TO SHERIFF  
DOUGLAS WEBER'S MOTION  
TO DISMISS FIRST AMENDED  
COMPLAINT**

COME NOW Defendants, The Osceola County Sheriff's Department, and Sheriff Douglas L. Weber's "Successors," pursuant to F.R.Civ.P. 12(b)(6), and move to dismiss the First Amended Complaint. In support of their Motion, these Defendants state as follows:

1. Plaintiffs filed this case on October 29, 2008. They alleged in Counts III and VI of the Complaint that the Osceola County Sheriff's Department (hereinafter "Sheriff's Department") denied Plaintiffs due process and equal protection under the Fourteenth Amendment, and the right to keep and bear arms under the Second Amendment, when Sheriff Douglas Weber denied Plaintiffs' applications for weapons permits. On November 19, 2008, Plaintiffs filed a First Amended Complaint in which identical allegations were made.

2. An Iowa Sheriff's Department is not a suable entity.

3. In addition, while no specific claims appear to be directed toward the "successors" of Sheriff Douglas Weber, these successors are named as defendants.

4. A sitting Sheriff has no successors. There is no one who can be served. Successors do not exist in the context of this case.

5. Defendants' Brief in Support of Motion to Dismiss the First Amended Complaint is filed with this Motion and incorporated herein.

WHEREFORE, Movants pray for an Order dismissing them from this litigation.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleading on December 1, 2008

By: ☐ U.S. Mail ☐ facsimile  
☐ Hand delivered ☐ Overnight courier  
☐ Other ☒ ECF

Signature 